

Staff Summary Report



Council Meeting Date: 06/19/03

Agenda Item Number: 56

SUBJECT: Approve Resolution 2003.44 authorizing the Mayor to sign the Gila River Indian Community Water Rights Settlement Agreement negotiated between the Community and other claimants in the Gila River Adjudication.

DOCUMENT NAME: 20030619wucb01 **WATER RIGHTS (0811-11)**

SUPPORTING DOCS: Yes

COMMENTS: The Gila River Indian Community Water Rights Settlement Agreement resolves the water rights claims of the Community in the Gila River Adjudication, which includes the Salt River.

PREPARED BY: Charlotte Benson, Assistant City Attorney (350-2813)

REVIEWED BY: Marlene A. Pontrelli, City Attorney (350-8120)

LEGAL REVIEW BY: Marlene A. Pontrelli, City Attorney (350-8120)

FISCAL NOTE: The City of Tempe is not contributing water rights or funding to the Gila River Indian Community Water Rights Settlement. The settlement may reduce litigation costs in the Gila River Adjudication in the future.

RECOMMENDATION: Approve and authorize the Mayor to sign the Gila River Indian Community Water Rights Settlement Agreement.

ADDITIONAL INFO: The settling parties include the State of Arizona, the Salt River Project, the Central Arizona Water Conservation District, cities and towns, agricultural districts, and other water users.

RESOLUTION NO. 2003.44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE GILA RIVER INDIAN COMMUNITY WATER RIGHTS SETTLEMENT AGREEMENT.

WHEREAS, the Gila River Indian Reservation was established in 1859 just south of Phoenix, Arizona, and covers more than 370,000 acres; and

WHEREAS, the Gila River Indian Community claims more than one million acre-feet of water rights in the Gila River General Stream Adjudication, in which the City of Tempe is also a claimant; and

WHEREAS, the Gila River Indian Community has negotiated its water rights claims with agricultural and other water users and cities, including the City of Tempe; and

WHEREAS, the settling parties have reached agreement on a comprehensive settlement of the Gila River Indian Community's water rights claims, and authorizing legislation has been introduced in the United States Congress; and

WHEREAS, the Gila River Indian Community Water Rights Settlement Agreement establishes the Community's water rights at 653,500 acre-feet of water per year; and

WHEREAS, it is in the best interests of the City of Tempe and its citizens that the City approve the water rights settlement agreement with the Gila River Indian Community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

That the Settlement Agreement between the Gila River Indian Community and other claimants in the Gila River Adjudication, including the City of Tempe, be approved, and that the Mayor be authorized to sign the Gila River Indian Community Water Rights Settlement Agreement for the City of Tempe.

That the Settlement Agreement shall be substantially in the form of the document now on file with the City Clerk's Office, with only such additions, deletions, and modifications as shall be approved by the City Attorney. The City Attorney is hereby authorized to approve, and the Mayor is hereby authorized to execute based on the City Attorney's approval, such amendments to the Gila River Indian Community Water Rights Settlement Agreement as are determined by the City Attorney to be reasonably necessary to effectuate the intent and purposes of the Agreement.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY
OF TEMPE, ARIZONA, this _____ day of _____, 2003.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney